

REMARKS

Claims 13 - 23 are in this application and are presented for reconsideration. By this Amendment, Applicant has made changes relating to form as well as changes to clarify issues that have already been presented.

The claims have been objected to based on informalities including typographical errors. Applicant has now corrected these informalities. Applicant wishes to thank the Examiner for the helpful reading of the claims and for the comments.

Claims 13 - 23 have been rejected as anticipated by Marinoni (U.S. 4,881,296). The rejection is based on the position that Marinoni discloses each and every feature arranged as specified in the claims. It is Applicant's position that Marinoni fails to teach and fails to suggest critical features of the invention. In order to more clearly highlight these features, Applicant requests that the claims be changed as noted above. The changes with regard to the claims involve issues which have already been presented but amount to an attempt to make the claims even more clear with regard to the distinguishing points as to the prior art.

Applicant has clarified the cam rail in each of the claims. It is noted that in claim 20 the cam rail was clarified as having an engagement face and a stop face. The claims have each been amended to note that this structure is the lower rail part and web which extends at right angles to the lower rail part. This for example is the structure of the cam rail 5 which includes a lower or downwardly extending part when viewing Fig. 2 and a laterally extending part or web (at right angles to the lower or downwardly extending part). This combined structure is important

according to the invention as it defines an abutting face at the lower side for abutting the grooved rail and defines the stop face or connection faces for connection to the blocking member, labeled 3 in the preferred embodiment (see Fig. 2). These issues have been raised at least in claim 20 and some of the other claims. Accordingly, it is Applicant's position that the clarification of these issues does not present anything new requiring further search or consideration. However, the clarification provides further basis for the distinction and distance between the invention and the prior art as a whole including Marinoni.

The blocking member or structure labeled 3 in the preferred embodiment (see the figures) has been clarified as including a portion overlapping the rail part so as to form a clamp action acting on the rail part with the lower rail part abutting the grooved rail. This amounts to a clarification of the language of. Claim 20 or one of the other claims already highlights the engagement between the blocking member and the rail part to fix the cam rail at the grooved rail. Again it is Applicant's position that the clarification does not raise new issues requiring further search or consideration. Accordingly reconsideration of the claims with the amendments as noted above is requested.

The invention provides a combination of structural features based on a machine part having a grooved rail with an undercut defining an insertion area with the insertion area being narrower than the groove base (see Fig. 2). The invention presents the combination as follows:

- 1) a clamping element, comprising:
 - 1.1) a machine part having a grooved rail with an undercut groove defining an insertion area and a groove base, the insertion area being narrower than the

- groove base;
- 1.2) a parallelogram sliding block having side surfaces defining an insertion dimension;
 - 1.3) a cam rail having at least a lower rail part and a web extending at right angles with said lower rail part;
 - 1.4) a blocking member connected to said sliding block said blocking member having a stop face abutting at said cam rail for fixing said cam rail at said grooved rail of said machine part by at least locally overlapping said lower rail part of clamping said cam rail to said machine part with said lower rail part abutting at said grooved rail and with said sliding block inserted into said groove base.

It is first noted that Marinoni should not be considered anticipatory simply based on the fact that Marinoni does not disclose a machine part with the grooved rail. Specifically, the structure with the groove in Marinoni is a vertical frame piece 4. Such a frame piece is not a machine part giving the term its ordinary and accepted meaning. Specifically Marinoni discloses a mounting door for a door window. The mounting structure according to Marinoni has no machine part but instead provides a vertical frame piece 4 associated with an opening to be covered by the door window.

The dictionary excerpt attached demonstrates the normal and accepted meaning of the term "machine" as used in the phrase "machine part", namely:

"An instrument [...] designed to transmit or modify the application of power, force or motion." (See attached print-out

labeled Attachment 1).

The vertical frame piece 4 of Marinoni is a static building part. It cannot be considered a machine part based on the fact that it is not part of a machine and it is instead a static structure. Applicant notes that anticipation does require that each element be present as specified in the claim interacting with the other elements as claimed. It is Applicant's position that Marinoni fails in anticipation simply based on the point above. Further, there are various other aspects which are not present in Marinoni arranged as specified in the claims as follows. It is further Applicant's position that Marinoni does not suggest the combination of features.

Marinoni does not show a cam rail according to feature 1.3 above (see each of the independent claims). Applicant's claims have included the structure relating to the connection between the cam rail and the blocking member (see claim 20 as previously presented). This interaction of structural elements is not present in Marinoni. Instead, Marinoni required a much different screw arrangement. The structure 18 of Marinoni is a door hinge which (see Fig. 6) includes a hinge part 16 and another part shown to engage the hinge part 16. The "other part" of door hinge 18 does not include the features arranged as specified in the claims. It cannot be considered a cam rail as claimed. Certainly there is no rail structure.

As shown in Attachment 2 the standard and accepted meaning of a rail structure includes the following:

"A bar of rolled steel forming a track for wheeled vehicles."

Such a rail or track structure has an engagement surface, such as the lower rail part or

base and extending web as highlighted in the claims. The bracket 16 is not a rail part. It does not have rail structural features including the engagement surfaces for engaging the blocking member as claimed.

Marinoni teaches a hinge part 16 of the door hinge 18. In the rejection of the claim such as claim 13, structure 16 is considered the blocking member whereas the part of 18 that is not 16 is considered the rail. Certainly the "blocking member" structure 16 does not locally overlap a lower rail part of the cam rail for clamping the cam rail to the machine part as claimed. The lower rail part certainly does not abut a grooved rail part as stated in amended claim 13. With respect to the claims previously presented this structure has already been highlighted. Claim 20 required that the blocking member have faces engaging the cam rail structure to clamp the cam rail structure to the grooved rail. This is structure relating to the inter-engagement of the blocking member 3 and cam rail 5 in Applicant's invention. There is nothing similar to this. Particularly it is noted that Applicant further claims the sliding block, namely the structure identified as 2 in Applicant's disclosure. Applicant's blocking member 3 has surfaces engaging surfaces of the cam rail 5 as claimed, there is nothing similar in Marinoni to meet these limitations.

Hinge part 16 of Marinoni does not clamp any part of the door hinge 18 of the groove rail of a machine part but it is instead rotatably connected to the "other part" by means of a bolt as shown in Fig. 6. The other part may pivot with respect to vertical frame piece 4 of Marinoni. Accordingly, Marinoni clearly fails to teach and clearly fails to suggest feature 1.4 as mentioned above and features of each of the independent claims including claim 13.

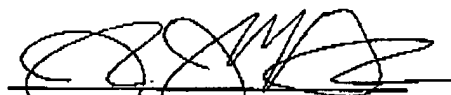
Marinoni fails to provide teachings or suggestions which would lead the person of ordinary skill in the art to form a rail with rail engagement surfaces, provide a blocking member with surfaces for clamping or engaging the cam rail, provide a sliding block connected to the blocking member and connect this to a grooved rail of a machine part as claimed. Certainly teachings and suggestions relating to window structures do not teach and suggest clamping arrangements for cam rail to machine part clamping. Further, the invention as claimed includes features which are not suggested by Marinoni even in the different field of Marinoni. Marinoni fails to teach and fails to suggest the cam rail to blocking member connection as well as the blocking member to sliding block connection as well as the sliding block to machine part connection with clamping being such that the lower rail part abuts the machine part groove rail structure.

Marinoni is certainly concerned with and directs the person of ordinary skill in the art toward the field and solution relating to a structure in which the "other part" of the door hinge, i.e., the rail of the invention as stated in the rejection is movable with respect to the frame piece 4, i.e., the machine part of the invention according to the rejection. A movable connection is in contradiction to the concern of the invention as clearly stated in the amended claims, namely providing the arrangement with connections as claimed.

Applicant respectfully requests that the Examiner reconsider the rejections based on the discussion above.

Respectfully submitted
For Applicant,

By:


John James McGlew
Reg. No. 31,903

JJM:jj/tf
70436.9

Enclosed: Attachment 1 (Excerpt from Merriam-Webster OnLine Dictionary)
Attachment 2 (Excerpt from Merriam-Webster OnLine Dictionary)

DATED: December 9, 2003
SCARBOROUGH STATION
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machine[1,noun]
machine[2,transitive verb]
answering machine
automated teller machine
Browning machine gun
dictating machine

Main Entry: **'ma-chine**

Pronunciation: m&- 'sh&n

Function: *noun*

Usage: *often attributive*

Etymology: Middle French, from Latin *machina*, from Greek
m&chan& (Doric dialect *machana*), from *m&chos* means, expedient
-- more at **MAY**

Date: circa 1545

1 **a** *archaic* : a constructed thing whether material or immaterial
b : **CONVEYANCE, VEHICLE**; especially : **AUTOMOBILE** **c**
archaic : a military engine **d** : any of various apparatuses formerly
used to produce stage effects **e** (1) : an assemblage of parts that
transmit forces, motion, and energy one to another in a
predetermined manner (2) : an instrument (as a lever) designed to
transmit or modify the application of power, force, or motion **f** : a
mechanically, electrically, or electronically operated device for
performing a task <a calculating *machine*> <a card-sorting
machine> **g** : a coin-operated device <a cigarette *machine*> **h** :
MACHINERY -- used with *the* or in plural
2 **a** : a living organism or one of its functional systems **b** : a person
or organization that resembles a machine (as in being methodical,
tireless, or unemotional) **c** (1) : a combination of persons acting
together for a common end along with the agencies they use (2) : a
highly organized political group under the leadership of a boss or
small clique
3 : a literary device or contrivance introduced for dramatic effect

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rail[1,noun]
rail[2,transitive verb]
rail[3,noun]
rail[4,intransitive verb]
altar rail
rifle rail

Main Entry: ¹rail 4b

Pronunciation: 'rA(ə)l

Function: noun

Etymology: Middle English *raile*, from Middle French *reille* ruler,
bar, from Latin *regula* ruler, from *regere* to keep straight, direct,
rule — more at [RIGHT](#)

Date: 14th century

1 a : a bar extending from one post or support to another and
serving as a guard or barrier b : a structural member or support
2 a : [RAILING](#) 1 b : a light structure serving as a guard at the outer
edge of a ship's deck c : a fence bounding a racetrack
3 a : a bar of rolled steel forming a track for wheeled vehicles b :
[TRACK](#) c : [RAILROAD](#)

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